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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,300	11/30/2005	Christophe Naulet	274267US6PCT	5268
22850	7590	12/11/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			DONDERO, WILLIAM E	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	
			3654	
			NOTIFICATION DATE	DELIVERY MODE
			12/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/542,300

Applicant(s)

NAULET ET AL.

Examiner

William E. Dondero

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/27/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the kinematic chain and motor (Claim 12); at least one wheel (Claim 15); and at least one traveler (Claim 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 12, the limitation, "a kinematic chain" renders the claim indefinite because it is not clear what is meant by the limitation. Does it mean a chain with links connected to a motor to drive the spindles? Does it mean a chain of items including a motor linked together to drive the motor? From the Specification and Drawings, it appears kinematic chains is meant to be a chain of items including a motor linked together to drive the spindle and this interpretation will be used for the Office Action below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 16, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Schiminski et al. (US-4431138). Regarding Claim 12, Schiminski et al. disclose a winding machine comprising a frame, the frame comprising at least two

spindles 9.1,9.2 fastened to a barrel 18, the spindles configured to support at least one cake 8 and to be movable in rotation about a first axis substantially perpendicular to the diameter of the cake, and at least one positioning and guidance device 1 configured to position and guide at least one thread 6 on the spindles, wherein the barrel is mounted movably in rotation with respect to the frame along a third axis of rotation substantially parallel to the first axis, wherein the spindles are mounted to be movable linearly along the first axis (Figures 2 and 3), the spindles being actuated in rotation by a kinematic chain comprising a motor (labeled DRIVE) incorporated in the spindles (Figures 1-12). Regarding Claim 16, Schiminski et al. disclose the position and guidance device includes at least one traveler 3, the traveler configured to position and guide at least one thread and to be displaced linearly along a second axis substantially parallel to the first axis (Figures 1-12). Regarding Claim 19, Schiminski et al. disclose a straight ejector 11 configured to position the threads at the end of the spindle (Figures 1-12). Regarding Claim 20, Schiminski et al. disclose a thread retraction device 11 configured to grasp and displace the threads between a first position, in which the threads are in engagement with the device for positioning and guidance of the threads and a second position in which the threads are retracted from the positioning and guidance device (Figures 1-12). Regarding Claim 21, Schiminski et al. disclose the spindles and their drive motor are integral with a linear actuator (inherent as there must be some device providing linear motion to shift the spindle), the actuator configured to ensure to-and-fro movement of the spindles (Figures 1-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiminski et al. (US-4431138) as applied to claims 12, 16, and 19-21 above, and further in view of Westrich (US-6105896). Schiminski et al. are silent about a index device configured to control a position of the barrel with respect to the frame by continuously modifying an angular position of the barrel as a function of a variation in the outside diameter of the cake, to keep a path of the thread constant between its exit point from the positioning and guidance device and its contact point on a periphery of the cake. However, Westrich discloses a winding machine comprising a index device configured to control a position of the barrel with respect to the frame by continuously modifying an angular position of the barrel as a function of a variation in the outside diameter of the cake, to keep a path of the thread constant between its exit point from the positioning and guidance device and its contact point on a periphery of the cake (Column 10, Line 60 – Column 11, Line 17). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the index device of Westrich in the machine of Schiminski et al. to control the shape, size, and quality of the package as taught by Westrich.

Claims 14, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiminski et al. (US-4431138) as applied to claims 12, 16, and 19-21 above, and further in view of Sakurauchi (JP-06329437). Regarding Claim 14, Schiminski et al. are silent about the positioning and guiding device including at least one helix mounted movably in rotation about a second axis, substantially parallel to the first axis. However, Sakurauchi discloses a winding machine with a positioning and guidance device including at least one helix 13 mounted movably in rotation about a second axis, substantially parallel to a first axis (Figures 1-9). Because both Schiminski et al. and Sakurauchi disclose positioning and guidance devices, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the positioning and guidance device of Sarkurauchi for the positioning and guidance device of Schiminski et al. to achieve the predictable result of guiding the thread onto the bobbin.

Regarding Claim 18, Schiminiski et al. are silent about a device for driving the thread or a thread drawer including at least two motor driven rollers, the device for driving being fastened to the frame of the winding machine. However, Sakurauchi discloses a winding machine including a device 22 for driving the thread or a thread drawer including at least two motor driven rollers, the device for driving being fastened to the frame of the winding machine (Figures 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the thread drawer device of Sakurauchi to the machine of Schiminski et al. to assist with threading up thread As taught by Sakurauchi.

Regarding Claim 22, Schiminski et al. are silent about a control and command device configured to ensure a regulation of speed and/or of position between a primary stroke movement of the positioning and guidance device and a secondary stroke movement of at least one of the spindles. However, Sakurauchi discloses a winding machine with a control and command device 39 configured to ensure a regulation of speed and/or of position between a primary stroke movement of the positioning and guidance device and a secondary stroke movement of at least one of the spindles (Translation Page 8-9, Paragraph [0020]). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the command and control device of Sakurauchi to the machine of Schiminski et al. to have precise control of the winding parameters producing the desired package.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiminski et al. (US-4431138) as applied to claims 12, 16, and 19-21 above, and further in view of Cunningham et al. (US-3090570). Regarding Claim 15, Schiminski et al. are silent about the positioning and guiding device including at least one wheel provided with at least one groove, the groove configured to position and guide at least one thread, the wheel being movable in rotation about a second axis, substantially parallel to the first axis. However, Cunningham et al. disclose a winding machine with a positioning and guiding device including at least one wheel 48 provided with at least one groove 50, the groove configured to position and guide at least one thread, the wheel being movable in rotation about a second axis, substantially parallel to the first axis (Figures 1-13). Because both Schiminski et al. and Cunningham et al. disclose

positioning and guidance devices, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the positioning and guidance device of Cunningham et al. for the positioning and guidance device of Schiminski et al. to achieve the predictable result of guiding the thread onto the bobbin.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WED/


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